

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-12418
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
January 7, 2010
JOHN LEY
ACTING CLERK

Agency No. A095-264-557

EDWARD HENRY LOMBANA-CANO,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Decision of the
Board of Immigration Appeals

(January 7, 2010)

Before CARNES, MARCUS and PRYOR, Circuit Judges.

PER CURIAM:

Edward Henry Lombana-Cano, a native and citizen of Colombia, petitions

for review of the decision of the Board of Immigration Appeals that denied his application for asylum under the Immigration and Nationality Act. INA § 208; 8 U.S.C. § 1158. The Board vacated the order of the immigration judge that had granted Lombana-Cano asylum as a victim of past persecution who also had a well-founded fear of persecution on account of his political opinion. We deny Lombana-Cano's petition.

Substantial evidence supports the finding of the Board that Lombana-Cano did not suffer past persecution or have a well-founded fear of future persecution on account of his political opinion. The record does not compel a finding that any past abuse was inflicted due to Lombana-Cano's political opinion. Lombana-Cano testified that, while he was completing a mandatory social service internship, the Revolutionary Forces tried to recruit him to provide medical treatment for its members and to support their cause. "Persecution on account of . . . political opinion . . . is persecution on account of the victim's political opinion, not the persecutor's." Sanchez v. U.S. Att'y Gen., 392 F.3d 434, 437–38 (11th Cir. 2004) (quoting INS v. Elias-Zacarias, 502 U.S. 478, 482, 112 S. Ct. 812, 816 (1992)).

Lombana-Cano's argument that the Revolutionary Forces pursued him because he worked for the government could support an inference of persecution because of an imputed political opinion, but "the evidence equally supports an inference that he was threatened simply because of his refusal to provide [medical] services, and the

record does not ‘compel’ this Court to hold otherwise.” Rodriguez Morales v. U.S. Att’y Gen., 488 F.3d 884, 891 (11th Cir. 2007).

Lombano-Cano’s petition for review is **DENIED**.

PETITION DENIED.